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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/993,338
Filing Date	11/13/2001
First Named Inventor	Scott R. Manalis
Group Art Unit	2816
Examiner Name	Bradley L. Sisson
Attorney Docket Number	S98-157

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bertram Rowland, Reg. No. 20,015
Signature	<i>Bertram Rowland</i>
Date	08/07/03

## CERTIFICATE OF MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/993,338 Atty. Docket No.: S98-157  
Filing Date: November 13, 2001 Art Unit: 2816  
Applicants: Scott R. Manalis Examiner: Bradley L. Sisson  
Title: **DIRECT DNA SEQUENCING WITH A TRANSCRIPTION  
PROTEIN AND A NANOMETER SCALE ELECTROMETER**

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on <u>8/15/03</u> Date	Typed or printed name of person signing this certificate <u>AGA KIESZOR</u>  <u></u> Signature

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of July 22, 2003, Applicants' attorney elects claims 1-17, and 26-42 with traverse.

The Office Action states that the product could be used in a materially different process, such as an immunoassay. However, there are no directions as to how such apparatus could be modified to apply to an immunoassay. For example Claim 1, in its preamble refers to the apparatus as having the capability of sequencing DNA. The apparatus comprises a "protein that is capable of transcribing said DNA...." Accepting the broadest possible interpretation of immunoassay so as to include any binding protein, it is not seen how the apparatus would be useful in an assay. While the apparatus could detect the binding of DNA to support an alternative utility.

TECHNOLOGY CENTER 2800

AUG 20 2003

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In view of the above remarks the Examiner is respectfully requested to withdraw the restriction requirement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bertram I. Rowland". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bertram I. Rowland  
Reg. No. 20,015

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